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October 9, 2002

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

**RE: Application filed pursuant to Section 214 of the Federal Communications Act of 1934, as Amended and Section 47 CFR 63.71 of the Commission's Rules.**

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Dear Secretary Dortch:

Pursuant to Section 214 of the Communications Act of 1934, as Amended, (47 U.S.C. 214) and Section 63.71 of the Federal Communications Commission's Code of Federal Regulations, 47 CFR, US Xchange of Michigan, L.L.C. d/b/a Choice One Communications hereby submits the enclosed application to discontinue services in a particular community in the respective identified service area(s).

Please do not hesitate to contact me at 518.689.3401 if I may be of further assistance.

Very truly yours,

Christopher Hanifin

Enclosure

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )

Section 63.71 Application of )

**US XCHANGE OF MICHIGAN, L.L.C.** )

**d/b/a Choice One Communications** )

NSD No. \_\_\_\_\_

For Authority Pursuant to Section 214 of the )

Communications Act of 1934, as amended, to )

Discontinue the Provision of Local Exchange )

Service to Customers in the Ann Arbor and )

Lansing Communities of Michigan )

**SECTION 63.71 APPLICATION**

Christopher Hanifin  
Its attorney  
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Washington Avenue Extension  
Albany, New York 12205  
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(518) 869-9738-fax  
[chanifin@choiceonecom.com](mailto:chanifin@choiceonecom.com)

Dated: Albany, New York  
October 9, 2002

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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Section 63.71 Application of )

**US XCHANGE OF MICHIGAN, L.L.C.** )  
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Communications Act of 1934, as amended, to )  
Discontinue the Provision of Local Exchange )  
Service to Customers in the Ann Arbor and )  
Lansing Communities of Michigan. )

**SECTION 63.71 APPLICATION**

US Xchange of Michigan, L.L.C. d/b/a Choice One Communications (“US Xchange”; the “Company”; the “Applicant” or “Choice One”) hereby seeks authorization pursuant to Section 214(a) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 214 and § 63.71 of the Commission’s Rules, 47 C.F.R. § 63.71, to discontinue its provision of local exchange, toll and other services offered in the Ann Arbor and Lansing communities in the State of Michigan.

**I. THE APPLICANT**

1. US Xchange of Michigan, L.L.C. is a Delaware corporation with principal offices located at 100 Chestnut Street, Rochester, New York 14604. US Xchange was authorized by the Michigan Commission to provide competitive facilities-based local exchange switched services in that State.<sup>1</sup> At present, US Xchange serves small- and medium-sized business and residential end users with access lines in almost every major community in Southern Michigan. US Xchange offers a full array of local, long distance,

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<sup>1</sup> Case No. U-11493, In the Matter of the application of US Xchange of Michigan, L.L.C. for a license to provide competitive local exchange service (issued November 7, 1997).

high-speed data (including DSL), web hosting, design and development services to small and medium sized companies in 30 second and third-tier markets in twelve states.

2. US Xchange intends to continue to provide offered services to both existing and new customers in the remainder of Michigan after such time, as the proposed discontinuance is complete. US Xchange utilizes the local loop facilities of the underlying Incumbent Local Exchange Carrier (“ILEC”) in many cases. With respect to the services to be discontinued, US Xchange is considered a non-dominant carrier.

## **II. DESIGNATED CONTACTS**

3. All correspondence, notices and inquiries regarding this Application should be sent to the following:

Christopher Hanifin  
Its attorney  
2 Pine West Plaza, Suite 205  
Washington Avenue Extension  
Albany, New York 12205  
(518) 689-3401  
(518) 869-9738-fax  
[chanifin@choiceonecom.com](mailto:chanifin@choiceonecom.com)

## **III. REASON FOR REQUEST TO DISCONTINUE SERVICE**

4. Choice One requests authority to withdraw from the local, IntraLATA and InterLATA markets in Ann Arbor and Lansing, Michigan because this action is within the Company’s best interests, at this time, to streamline its service offerings and to focus attention and financial strength on the provision of services to customers. The Applicant’s request to withdraw from these two (2) select markets is a strategic business decision that is based upon the Company’s plans for future market penetration in existing markets and future growth. It is designed to reduce costs and losses to ensure Company strength as well as permitting the Company to focus its customer service.

#### **IV. PROCESS FOR DISCONTINUANCE**

##### **A. Customer Notification**

5. US Xchange is in a strong financial position to ensure that its current customers are seamlessly transitioned to another provider in Ann Arbor and Lansing, Michigan. Beyond these communities, US Xchange is maintaining and growing its other markets in its 12-state service territory. US Xchange commits to actively supervising and monitoring, as needed, the transition of the customers in these markets to another provider of their choice.

6. US Xchange has developed a comprehensive customer notification plan that will help ensure a seamless transition for its current end users in Ann Arbor and Lansing, Michigan by the selected date herein. The initial customer notice letter will be sent to affected end users concurrent with this filing, which is attached as **Exhibit A**. The customer notification will inform customers of the proposed withdrawal by Applicant by December 1, 2002. US Xchange has not arranged to sell its customer list or base to any particular telecommunications service provider, but will allow the customer to select a new service provider of their own preference without penalty. US Xchange will also provide its affected end users with a toll-free customer assistance number for purposes of addressing any questions or concerns that may arise during the time preceding discontinuance.

7. US Xchange will publish a notice in a newspaper in the exchange(s) in the affected markets of Ann Arbor and Lansing, Michigan as a follow-up notification timed in such a way that the end user will receive a public reminder of the impending discontinuance. The newspaper notice will be initiated shortly after this Application is filed which is attached as **Exhibit B**. Finally, one (1) week before the discontinuance, to personally assist in the transition, US Xchange will attempt to follow-up verbally or via e-mail with any customer that does not change its services to another provider.

## **V. TIMEFRAME**

8. The Company intends to discontinue providing all services to its end users in the Ann Arbor and Lansing, Michigan markets as soon as it has satisfied the requisite regulatory procedures as required by the Federal Communications Commission or the Michigan Public Service Commission. Based on such requirements, US Xchange estimates and desires that all services will be discontinued in the above-mentioned markets on or about December 1, 2002. As noted herein, US Xchange will provide the affected end user with *more* than the requisite thirty (30) days notice, during which time the Applicant will have received at least three (3) notifications regarding the proposed discontinuance.

## **VI. SUMMARY**

In accordance with the requirements of Section 63.71, the following information is being provided:

(1) Name and address of carrier:

US Xchange of Michigan, L.L.C.  
100 Chestnut Street, Suite 1400  
Rochester, New York 14604

(2) Date of planned service discontinuance, reduction or impairment:

December 1, 2002.

(3) Points or geographic areas of service affected:

Ann Arbor and Lansing, Michigan

(4) Brief description of type of service affected:

All services provided by US Xchange (local, regional, long distance, and Internet).

(5) Brief description of the dates and methods of notice to all affected customers:

Letter sent to end users on October 8, 2002 (Attachment A)  
Newspaper Notice to end users anticipated on October 17, 2002  
(Attachment B)  
Telephonic or E-mail Follow-up Anticipated End of November 2002.

(6) US Xchange is considered non-dominant with respect to this planned service discontinuance.

(7) US Xchange has notified, and has submitted a copy of this Application, to the Public Utility Commission and to the Governor of each State in which the discontinuance of service is proposed. In addition, we have notified, and have submitted a copy of this Application, to the Secretary of Defense, Attn: Special Assistant for Telecommunications, Pentagon, Washington, D.C. 20301.

## **VII. CONCLUSION**

9. On October 9, 2002, the Applicant submitted a copy of this Application to the Secretary of Defense and the Public Utility Commission and Governor of Michigan.

10. WHEREFORE, US XCHANGE of Michigan, L.L.C. respectfully requests, consistent with the good cause shown herein, that the Commission grant it the authority to discontinue the provision of telecommunications services to end users in Ann Arbor and Lansing, Michigan. In consideration of this request, the Company submits that the public convenience and necessity will not be adversely affected by the discontinuance aforementioned.

Respectfully submitted,

US XCHANGE OF MICHIGAN, L.L.C.

By: \_\_\_\_\_  
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Its attorney  
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Washington Avenue Extension  
Albany, New York 12205  
(518) 689-3401  
(518) 869-9738-fax  
[chanifin@choiceonecom.com](mailto:chanifin@choiceonecom.com)

Dated: Albany, New York  
October 9, 2002



**IMPORTANT INFORMATION REGARDING  
YOUR TELEPHONE SERVICE  
\*\*\*\* READ IMMEDIATELY\*\*\*\***

**EXHIBIT A**

October 15, 2002

Mr. John Smith  
XYZ Company  
10 Elm Street  
Anywhere, MI 12345

Dear Mr. Smith:

Effective December 1, 2002, US Xchange of Michigan, L.L.C. d/b/a Choice One Communications ("Choice One") will no longer provide telephone and Internet services to your area. **This letter is to notify you that you will need to transition your Choice One services to an alternate service provider by December 1, 2002.**

*Please note this impacts clients in the Ann Arbor and Lansing, Michigan markets and will not affect services provided by Choice One in other markets.*

Choice One has requested the Federal Communications Commission and the Michigan Public Service Commission to grant Choice One approval to withdraw the service it currently offers you in these markets. Upon regulatory approval, the anticipated effective date of discontinuance of your service(s) is December 1, 2002.<sup>1</sup>

You must make other arrangements for your local, long-distance, toll free, and Internet services, as applicable.

- If you would like to switch back to Ameritech Michigan, please call the local Ameritech business office in your region. You may find that telephone number in your white pages.
- If you would like to search for an alternate service provider, please begin your evaluation as soon as possible to enable you to complete your migration prior to December 1, 2002.

Note: If you have signed a term service agreement with Choice One, you will not be penalized for early termination charges when you transition your services. However, you remain responsible for payment of all outstanding Choice One invoices through the date of your conversion. Your last invoice will arrive within 30 days after you convert your services to another provider.

Choice One extends our appreciation and sincere thanks for giving us the opportunity to serve you. If you have any additional questions about this transition, please call our Client Relationship Center at 800-388-8885.

Sincerely,  
US Xchange of Michigan, L.L.C. d/b/a Choice One Communications

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<sup>1</sup> Required Notice under Sec. 47 C.F.R. 63.71: "The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public and convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the FCC, Washington DC 20554, referencing the Sec. 63.71 Application of US Xchange. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service."



## **EXHIBIT B**

### **NOTICE IN LOCAL NEWSPAPER IN ANN ARBOR AND LANSING AFFECTED EXCHANGES**

#### **LEGAL NOTICE OF DISCONTINUANCE OF SERVICE**

Pursuant to Section 313(2) of the Michigan Telecommunications Act, US Xchange of Michigan, L.L.C. d/b/a Choice One Communications ("US Xchange") hereby publishes this NOTICE in this newspaper of general circulation within the affected exchanges.

The Commission approved US Xchange of Michigan, L.L.C.'s August 11, 1997 application for a license to provide basic local telephone service in those areas currently served by Ameritech Michigan and GTE North Incorporated.

US Xchange has requested the Federal Communications Commission and the Michigan Public Service Commission grant US Xchange their approval to withdraw the service(s) it currently offers in the Ann Arbor and Lansing markets. Said discontinuance will not affect any other market that US Xchange serves, including our other Michigan markets. Upon regulatory approval, the anticipated effective date of discontinuance of service in the above-referenced markets is December 1, 2002.

Pending regulatory approval, if you are impacted, you must make other arrangements for your telephone and Internet services, as applicable. A list of competitive telephone providers can be found in your telephone directory. If you have any questions regarding this matter, please contact our Client Relationship Center at 1-800-388-8885.

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of October 2002, a copy of the foregoing Petition of Choice One Communications Inc. was served on the following parties via first class postage-paid United States mail:

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-B204  
Washington, D.C. 20554 (Original plus 4)

International Transcription Services  
445 12<sup>th</sup> Street, S.W., Room CY-B402  
Washington, D.C. 20554

The Pricing Policy Division and Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW. Room 5-A430  
Washington, DC 20554  
Attention: Jennifer McKee (2 Copies)

Department of Defense  
Secretary of Defense  
ATTN: Special Assistant for Telecommunications  
The Pentagon  
Washington, DC 20301

Secretary  
ATTN: Thomas Lonergan, Director of Telecommunications  
Michigan Public Service Commission  
6545 Mercantile Way  
Lansing, Michigan 48909

Signed:

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Angelina Pietrocola  
Choice One Communications